
BOARD MEMBERS

James H. Milligan, P.E., Chair, Moscow
Clyde Porter, P.L.S., Vice Chair, Boise
Leslie M. Walker, P.E., Secretary, Pocatello
Gary L. Young, P.E./L.S., Member, Twin Falls
Scott McClure, P.E., Member, Twin Falls

BOARD STAFF

David L. Curtis, P.E., Executive Director
Email dcurtis@ipels.state.id.us
Linda A. Bowcutt, Admin. Secretary
Email lbowcutt@ipels.state.id.us
Jennifer Rowe, Clerical Specialist
Email jrowe@ipels.state.id.us

Board Home Page www.state.id.us/ipels/index.htm

October 2002 NEWS BULLETIN Thirty-third Edition

INTRODUCTION

This News Bulletin is being distributed by the Idaho State Board of Registration of Professional Engineers and Professional Land Surveyors to inform the public and the State's Professional Engineers and Professional Land Surveyors of those events which significantly affect the professions. Future News Bulletins will be printed and distributed as the Board deems advisable.

MILLIGAN REAPPOINTED TO BOARD and ELECTED CHAIR

James H. Milligan, Ph.D., P.E. was nominated by the Idaho Society of Professional Engineers for a five year term on the Board of Professional Engineers and Professional Land Surveyors. Governor Kempthorne accepted the nomination and appointed Milligan to a term ending on May 24, 2007. Milligan had previously served the last three years of the unexpired term of a Board Member who resigned. Milligan was elected by the Board to be Chair for the 2002-2003 year.

NEW STAFF PERSON

In November of 2001, Jennifer Rowe assumed the position of Clerical Specialist in the Board office. Jennifer is responsible for maintenance of the database, issuance and processing of renewals, application processing and review, and a myriad of other duties. She has versatile computer skills which have proven to be useful in updating our Internet presence, and has also become the principal receptionist. We welcome her to the staff and look forward to her continued employment with the Board.

LEGISLATION PASSES

The Board asked the Legislature to consider two pieces of legislation during the last session. The first eliminated a reference to engineers performing boundary surveys, which they have been precluded from doing since approximately 1978. The second piece of legislation had two purposes: first, to provide for the definition of a "signature" to include a digital signature, and second, to reduce from 25 to 12 the number of years of acceptable experience an exceptional individual must have in order for the Board to waive the requirement that they take and pass the Fundamentals of Engineering examination. Both bills passed the Legislature and were signed by the Governor. They went into effect on July 1, 2002.

The Idaho Society of Professional Land Surveyors asked the Legislature to consider legislation during the last session which would require a bachelor degree in order to be assigned to the Fundamentals of Land Surveying or the Principles and Practice of Land Surveying examinations. The Board supported the legislation which passed and will go into effect on July 1, 2010.

LEGISLATION PROPOSED

The Board will ask the Legislature to consider amendments to the licensing law in the upcoming session. The legislation would reduce the experience requirement for an applicant who has a related science degree and presents evidence that

they possess knowledge and skill equivalent to a graduate in an approved engineering or surveying program. It will also clarify that the Board may evaluate credentials for equivalency with the requirements of Idaho Code when considering an application for a license by comity.

RULE AMENDMENTS GO INTO EFFECT

The Board promulgated Administrative Rules which were reviewed by the last session of the Legislature. The Rules substitute "Business Entity" for "Corporation" throughout, in compliance with recent changes in statutes. They also update the specific academic courses that are required of an applicant who has a related science degree in order to be considered equivalent to an applicant who has an engineering degree. Finally, they restrict review by failing candidates of examination questions which may be used on subsequent administrations of the examination. The Legislature took no exception to the Rule amendments and they went into effect March 15, 2002, the adjournment date of the session.

PROPOSED RULE AMENDMENTS

The Board is proposing amendments to the Administrative Rules which would result in clarification that the Board can accept affidavits alleging violation of statutes as well as Rules, and it may investigate alleged violations of statutes as well as Rules. In addition, the proposed amendments would officially change the Board office hours to 7:00 a.m. to 4:00 p.m.; would reduce from 65 to 60 the age required to qualify for Retired Status; and would clarify that applicants for license as a professional engineer by comity who possess a related science degree must have taken specific courses in order to be considered equivalent to an applicant who possesses an engineering degree. Finally, the proposed amendments would clarify that the Board has the right to publish disciplinary action on the internet for a period of up to ten years.

LONG RANGE POTENTIAL LEGISLATION

The Board is considering possible legislative amendments in future years which would be in concert with the "Model Law" prepared by the National Council of Examiners for Engineering and Surveying. The possible amendments would consistently use the term "license" in reference to professional engineers and professional land surveyors in lieu of "registration." The reason for this possible change is that the legal definition of "registration" relates to a roster or listing only, as opposed to the legal definition of "license" through which privileges and responsibilities are conferred. The possible changes also would use the terms "Engineer Intern" and "Land Surveyor Intern" in lieu of "Engineer-in-Training" and "Land Surveyor-in-Training". The Board would appreciate hearing from you if you have thoughts on these matters.

BOARD HOSTS MEETING IN SUN VALLEY

The Board hosted a meeting of the Western Zone of the National Council of Examiners for Engineering and Surveying in Sun Valley in May. Attendees included representatives from Alaska, Hawaii, Washington, Oregon, California, Montana, Wyoming, Colorado, Utah, New Mexico, and Arizona as well as guests from the Provinces of British Columbia and Alberta, Canada and officers and staff from NCEES. The weather cooperated, considering how unpredictable early May can be in the mountains of Idaho, and the meeting was enjoyed by all who attended.

"SUITABLE COATING" FOR SURVEY DRAWINGS

Rich Jensen, P.L.S. has conducted tests of various coating material for plats and records of survey in an attempt to find one which might meet the statutory requirement "to assure permanent legibility". Mr. Jensen shared his results with the Board and anyone wanting a copy of the information may contact him via email at payetgis@fmtc.com.

IN MEMORY OF THOSE RECENTLY DECEASED

Keith E. Anderson, 1027 CE, Boise, ID
William H. Davenport, 3971 ME, Memphis TN
Alfred B. Day, 628 EE, Boise, ID
Alvin Funk, 649 LS, Aberdeen, ID
Travis M. Gardner, 1093 EIT, Pocatello, ID
Kenneth Kroening, 3826 CE, Coeur d'Alene, ID
George A. McKean, 1838 EE, Madison, WI

Ronald G. Neve, 3774 NE, Idaho Falls, ID
Merle L. Newell, 3350 MinE/LS, Pocatello, ID
Edward C. Stohs, Jr., 1555 EE, Moscow, ID
Larry Ray Wade, 2306 CE, Seattle, WA
Jerrold R. White, 1638 ME, Boise, ID
John J. Williams, 781 LS, Burley, ID
Javier Horvilleur, 10080 CE, Houston, TX

USE OF TITLE "P.E." IF YOU ARE LICENSED ONLY IN ANOTHER STATE

There have been several instances recently which have come to the attention of the Board in which a person licensed as a professional engineer in some other jurisdiction, but not in Idaho, was using the title "P.E." in correspondence and/or on business cards. Idaho Code defines a "Professional Engineer" as a person who has been duly registered or licensed as a professional engineer by "the board", and "the board" is defined as the **Idaho** Board. Persons licensed in other

jurisdictions may use the title "P.E." on business cards, etc. for identification purposes, but they must clearly show that they are not licensed as a professional engineer in Idaho and they may not offer their professional services until such time as they become licensed in Idaho. When working as an exempt employee or subordinate to an Idaho P.E. on an Idaho project, such a person should avoid the use of the title "P.E." entirely. The Board is concerned that, to do otherwise, would risk confusion on the part of the public.

DISCIPLINARY ACTIONS

The following actions on complaints have been taken by the Board since publication of NEWS BULLETIN No. 32 in December of 2001. In addition to those listed below, the Board received numerous complaints against individuals or companies who were inappropriately advertising under headings or names that could be interpreted to indicate that they were professional engineers or professional land surveyors, when in fact, they were not. The companies or individuals agreed to discontinue or revise the advertising or title.

Docket No. 02.03 - IN THE MATTER OF Joseph Hassell, P.E., P.L.S. Mr. Hassell signed a STIPULATION AND CONSENT ORDER in which he admitted to violating Idaho Code §55-1904 by failing to file within 90 days of completion, a record of survey for a client. He was admonished by the Board for his conduct and paid an administrative penalty of \$500 to the General Fund of the State of Idaho.

Docket No. 02.03 - IN THE MATTER OF David E. Schumann, P.L.S. Mr. Schumann signed a STIPULATION AND CONSENT ORDER in which he admitted to violating Idaho Code §55-1904 by failing to file within 90 days of completion, a record of survey for a client. He was admonished by the Board for his conduct and paid an administrative penalty of \$500 to the General Fund of the State of Idaho.

Docket No. 02.09 - IN THE MATTER OF John I. Marble, E.I.T. Mr. Marble signed a STIPULATION AND CONSENT ORDER in which he recognized that, as a certificate holder of the Board, his primary obligation is to the public. He made an administrative payment of \$500 to the General Fund of the State of Idaho.

ANNUAL REPORT TO THE GOVERNOR

The following is an excerpt from the Board's Annual Report to the Governor for Fiscal Year 2002:

During the 2002 fiscal year the Board met for five regular meetings and two telephone conference call meetings to conduct Board business, review applications, grant licenses and consider complaints.

The term of James H. Milligan, P.E., appointed as a replacement for a Board Member who resigned, expired May 24, 2002. Mr. Milligan was appointed by the Governor for a five year term which will expire on May 24, 2007.

Members of the Board and staff are serving on various committees of the Western Zone as well as committees of the National Council of Examiners for Engineering and Surveying (NCEES). The Idaho Board hosted the NCEES Western Zone meeting held in Sun Valley in May 2002. Representatives from all the Western Zone jurisdictions, except Guam and the Northern Mariana Islands, were in attendance.

As of the end of the fiscal year there were 2,710 Professional Engineers, 273 Professional Land Surveyors, 96 combined Professional Engineer/Professional Land Surveyors, 582 Engineers-in-Training, 25 Land Surveyors-in-Training, 724 engineering and/or land surveying business entities and 150 persons who have elected to take Retired Status. All renewals, except business entities, are now on a biennial renewal rather than an annual renewal, thus the numbers reflected are lower than in previous Annual Reports. Business entities renew annually.

Licenses were issued to 293 engineers by comity with other states and to 89 who successfully completed the examination process; 22 land surveyors by comity with other states and to 9 who successfully completed the examination process. There were 172 successful examinees in the Fundamentals of

Engineering examination and certificates as Land Surveyors-in-Training were issued to 9 successful examinees in the Fundamentals of Land Surveying examination. In addition, Certificates of Authorization were issued to 198 business entities to perform professional engineering or professional land surveying or both in the State of Idaho.

The Board received a total of 11 complaints against engineers, land surveyors, business entities and unlicensed persons in fiscal year 2002 and 9 were carried over from previous years. Of these 20 complaints, 13 were dismissed or terminated without consent agreements or formal hearings and 5 were pending resolution at the end of the fiscal year. Two complaints were closed following issuance of Final Orders of the Board accepting Consent Agreements which resulted in the admonishment of three license holders and the deposit of \$1,500.00 in Administrative Penalties to the General Fund of the State of Idaho.

The Legislature amended the statutes to allow license holders to sign professional work product documents electronically, and reduce from 25 to 12 the number of years of acceptable experience that is required in order for the Board to waive the requirement that an applicant for a professional engineer license take and pass the Fundamentals of Engineering examination.

BOARD EXPRESSES OPINION ON SEALING OF PLATS

A professional land surveyor who reviews plats on behalf of a county in Idaho inquired recently whether all sheets of a subdivision plat need be sealed, signed and dated by the professional land surveyor in responsible charge of the preparation of the plat. The Board expressed the opinion that the "map" sheet(s) of the plat must be sealed, signed, and dated as well as the "Surveyors Certificate". The Board based its opinion on Idaho Code §54-1215(3)(c) which states, in pertinent part, "Each plan or drawing sheet shall be sealed and signed by the registrant or registrants responsible for each sheet", and on Idaho Code §50-1309 which states, in pertinent part, "The professional land surveyor making the survey shall certify the correctness of said plat and he shall place his seal, signature and date on the plat."

Calendar of Upcoming Events

November 22 & 23, 2002 Board Meeting, Boise, Idaho
January 10, 2003 Application Deadline for Spring Examinations
February 27 & 28, 2003 Board Meeting, Boise, Idaho
April 11, 2003 PE and PLS Examinations, Boise, Idaho
April 12, 2003 FLS (aka LSIT) Examination, Boise, Idaho
April 12, 2003 FE (aka EIT) Examinations, Boise, Pocatello, Moscow
May 2 & 3, 2003 Board Meeting, Boise, Idaho
May 16 & 17, 2003 Western Zone NCEES Meeting, Red Lodge, Montana
June 20 & 21, 2003 Board Meeting, Boise, Idaho
August 1, 2003 Application Deadline for Fall Examinations
August 13-16, 2003 NCEES Annual Meeting, Baltimore, Maryland
September 12 & 13, 2003 Board Meeting, Boise, Idaho
October 24, 2003 PE and PLS Examinations, Boise, Idaho
October 25, 2003 FLS (aka LSIT) Examination, Boise, Idaho
October 25, 2003 FE (aka EIT) Examinations, Boise, Pocatello, Moscow
November 14 & 15, 2003 Board Meeting, Boise, Idaho

**IDAHO BOARD OF REGISTRATION OF
PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS
600 SOUTH ORCHARD, SUITE A
BOISE, IDAHO 83705-1242**

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